

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

ALBERT MILLER

PLAINTIFF

VS.

CIVIL ACTION 3:08cv267 TSL-JCS

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the report and recommendation of United States Magistrate Judge James R. Sumner, and the court, having fully reviewed the report and recommendation entered in this cause on February 4, 2009, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge James C. Sumner entered on February 4, 2009, be, and the same is hereby adopted as the finding of this court, and the complaint filed in this action should be dismissed as frivolous without prejudice.

A separate judgment will be entered herein in accordance with this order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 24th day of February, 2009.

/s/Tom S. Lee
UNITED STATES DISTRICT JUDGE